श्री वसंत चव्हाण: धन्यवाद सभापति महोदय, जो जानकारी सरकार से मिली है, इससे ही पता चलता है कि प्रधान मंत्री ग्रामीण सड़क योजना का काम सरकार किस नीति से कर रही है। मुझे इस बात में आश्चर्य होता है कि 2005-06 में केन्द्र की तरफ से देश के पांच राज्यों को एक पैसा भी रिलीज़ नहीं किया गया। महाराष्ट्र, मणिपुर, मेघालय, मिज़ोरम और नागालैंड- इस पांच राज्यों को कुछ पैसा नहीं दिया गया, एक पैसा भी रिलीज़ नहीं किया गया । इसके विशेष कारण क्या है। और इसके बारे में केन्द्र की नीति क्या है?

श्री रघुवंश प्रसाद सिंह: महोदय, जो पूर्व के वर्षों में राज्य सरकारों को राशि दी गयी थी,उसका कम से कम 60 प्रतिशत अगर वे खर्च कर लेते, तब हम उन्हें अगली राशि देते। परन्तु अभी तक उन्होंने खर्च नहीं किया है इसलिए हमने इनको इस वर्ष राशि रिलीज़ नहीं की है। लेकिन इन राज्य सरकारों के सचिवों ने हमें सूचना दी है कि वे अब जल्दी ही युटीलाइज़ेशन सर्टिफिकेट भेज रहे हैं। तब हम उनको तुरन्त राशि रिलीज़ करेंगे। उनके लिए राशि रखी हुई है, उनका हिस्सा कहीं गया नहीं है।

Provisions in the Armed Forces Tribunal

*310. SHRI B.K. HARIPRASAD: Will the Minister of DEFENCE be pleased to state:

(a) whether the proposed Armed Forces Tribunal will address the inherent blatant deficiency in military law *i.e.* the absence of remedy of appeal against the order of the court martial;

(b) whether the existing court martial system under military law is regulated by mere power of military command rather than law;

(c) whether the western nations have upgraded their military justice system at per with civilian criminal justice system in the light of emerging changes in human rights standards; and

(d) whether Government will consider formulating a comprehensive common code of justice/discipline for all the three forces, 9arating the Judge Advocate General branch from the command control?

THE MINISTER OF DEFENCE (SHRI PRANAB MUKHERJEE): (a) to (d) A Statement is laid on the Table of the House.

Statement

(a) to (d) The proposed Tribunal shall exercise, on and from the appointed day, all the jurisdiction, powers and authority exercisable under this Act in relation to appeal against any order, 8ision, finding or sentence

passed by a court-martial or any matter connected therewith or incidental thereto. The proposed Tribunal shall allow an appeal against conviction by a court-martial where—

* the finding of the court martial is legally not sustainable due to any reason, whatsoever, or

* the finding involves a wrong 8ision on a question of law; or

* there was a material irregularity in the course of the trial resulting in a miscarriage of justice,

but, in any other case, 5 dismiss the appeal where it considers that no miscarriage of justice is likely to be caused or has actually resulted to the appellant.

The existing system of administration of justice in the Arged Forces provides for submission of statutory complaints grievances relating to service matters and pre and post confirmation petitions to various authorities, including the Central Government, against the findings and sentences of courts martial.

Upgradationsof the military justice system are regularly carried out. A fair trial is available to all personnel of the Armed Forces and human rights standards are duly taken care of.

No proposal for formulating a comprehensive common code of justice/ discipline for the Army, Navy and Air Force is under consideration a present. Each service has a separate work culture and ethos and operates in different environments. Hence, it would not be appropriate to have common code of justice and discipline for all the three forces

SHRI B.K. HARIPRASAD: Sir, I would like to compliment the Government for clearing the docks to constitute the Armed Force Tribunal which may give relief to seven thousand and odd cases which are pending in different courts of the country Sir, I would like to know from the hon. Minister whether the proposed Armed Forces Tribunal would be a quasi-judicial body. Is the Government intending to strike the difference between the Central Administrative Tribunal and the proposed Armed Forces Tribunal, particularly, keeping in mind the fact that in its judgement of 1993, the Supreme Court has reduced the Central Administrative Tribunal as another layer in the adjudicatory process?

SHRI PRANAB MUKHERJEE: Sir, so far as this Act is concerned, this Act is being created under Article 246 of the Constitution, not under Article 323A of the Constitution under which the CAT is being established. It will be a judicial body because it will have the approval; firstly the Chairman would be either a retired Chief Justice of the High Court or a retired Judge of the Supreme Court, and, there will be another judicial Member also. On the appointment of the Chairman and other Members, the Supreme Court will be consulted.

SHRI B.K. HARIPRASAD: Sir, I would like to know from the hon. Minister whether these comprehensive reforms proposed in the Armed Forces Tribunal and this process of drawing reforms be more prospective to include prominent ex-servicemen, as the serving officers cannot speak for themselves owing to the vigorous discipline.

Sir, second part of my question is: what are the steps proposed to provide special safeguards for women in the Armed Forces? What safeguards are proposed to counter the sway of the fiduciary relationship the commanding officers hold over the women officers?

SHRI PRANAB MUKHERJEE: Sir, the hon. member would appreciate that the Bill will have to be passed by the Parliament and all the relevant clauses will have to be approved by both the Houses of Parliament, and, the Members will have the opportunity to discuss in detail and also put the suggestions. So far as the present provisions are concerned, the hon. Member would appreciate that the Armed Forces are not exactly identical with the civilians who are serving in the various Government departments and employments. Therefore, there are three special Acts and the present dispensation of the justice in the Armed Forces are being carried out by three Acts passed by the Parliament, and those Acts have also been passed by the Parliament. These Acts are, (i) The Indian Army Act, 1950, (ii) The Air Force Act, 1950, and (iii) The Navy Act, 1957. These Acts passed by the Parliament authorise and set up the different institutions within the Armed Forced through which the justice is dispensed with. But, surely, it cannot be absolutely at per with the civilian system, for instance, in respect of the transfers, at the time of operation, if these are questioned, surely no operation can take place. Posting, deployment, etc. are the subject which are to be strictly confined within the Armed Forces discipline. So, my most respectful

submission would be that the type of safeguards which are being provided, it is not correct to come to the conclusion that, in the existing judicial system, including the Court 3tial, there is not grievance redressal mechanism. There is a grievance redressal mechanism; for it, statutory complaints are to be provided, authorities are' designated by which date the petitions are to be disposed of. Those are also clearly laid down in the provisions of the Army Act and the rules framed thereunder.

SHRI R.K. ANAND: Sir, when the Armed Forces Tribunals are consituted, ...*(Interruptions)*... the judicial member can be appointed from the JAG also, and the JAG in the Army is of the rank of a Major-General. Whereas, in the Navy and the Air Force, it is of the rank of Brigadier only. Will the Government consider upgrading the post of JAG in the Navy and the Air Force so that they can also be considered for the same post?

SHRI PRANAB MUKHERJEE: Sir, as I have stated, it would be Major General or equivalent. JAG is the Major General of the Army. So far as JAG in the Navy and the Air Force is concerned, it is a little below the rank of the Major General, I do agree. But, they, they will be appointed in the tribunal as per the provisions, "the Major General or equivalent in the Navy or the Air Force". It is not equivalent to JAG. It is equivalent to the rank of Major General.

Development and promotion of handloom

*311. SHRI T.R. ZELIANG: Will the Minister of TEXTILES be pleased to state:

(a) the details of targets fixed for development and promotion of handloom in the country in the last three years;

(b) whether the fixed targets have been achieved by Government;

(c) if so, the details thereof; and

(d) if not, the reasons therefor?

THE MINISTER OF TEXTILES (SHRI SHANKERSINH VAGHELA): (a) to (d) A Statement is laid on the Table of the House.